

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
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As Engrossed: S3/16/15 S3/25/15

A Bill

SENATE BILL 939

By: Senators Rapert, Bledsoe, Caldwell, A. Clark, Collins-Smith, J. Cooper, J. English, Flippo, J. Hendren, Hester, B. Johnson, U. Lindsey, Rice, D. Sanders, G. Stubblefield, E. Williams
By: Representatives Hammer, Beck, Brown, Copeland, Cozart, Davis, Della Rosa, L. Fite, Gates, M. Gray, House, Ladyman, Lemons, McNair, D. Meeks, Miller, Ratliff, Petty, Richmond, Rushing, Sorvillo, Speaks, Sullivan, Tosh, Vaught, Wardlaw

For An Act To Be Entitled

AN ACT CONCERNING THE PLACEMENT OF A TEN COMMANDMENTS
MONUMENT DISPLAY ON THE STATE CAPITOL GROUNDS; AND
FOR OTHER PURPOSES.

Subtitle

THE TEN COMMANDMENTS MONUMENT DISPLAY
ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. LEGISLATIVE FINDINGS. The General Assembly finds that:

(1) The Ten Commandments, found in the Bible at Exodus 20:1-17 and Deuteronomy 5:6-21, are an important component of the moral foundation of the laws and legal system of the United States of America and of the State of Arkansas;

(2) The courts of the United States of America and of various states frequently cite the Ten Commandments in published decisions;

(3) The Ten Commandments represent a philosophy of government held by many of the founders of this nation and by many Arkansans and other Americans today, that God has ordained civil government and has delegated limited authority to civil government, that God has limited the authority of civil government, and that God has endowed people with certain unalienable rights, including life, liberty, and the pursuit of happiness;



(4) In order that they may understand and appreciate the basic principles of the American system of government, the people of the United States of America and of the State of Arkansas need to identify the Ten Commandments, one of many sources, as influencing the development of what has become modern law; and

(5) The placing of a monument to the Ten Commandments on the grounds of the Arkansas State Capitol would help the people of the United States and of the State of Arkansas to know the Ten Commandments as the moral foundation of the law.

SECTION 2. Arkansas Code Title 22, Chapter 3, Subchapter 2 is amended to add an additional section to read as follows:

22-3-221. Ten Commandments Monument Display Act.

(a) This section shall be known and may be cited as the "Ten Commandments Monument Display Act".

(b)(1) The Secretary of State shall permit and arrange for the placement on the State Capitol grounds of a suitable monument commemorating the Ten Commandments and containing the following text, which was displayed on the monument declared constitutional in Van Orden v. Perry, 545 U.S. 677 (2005):

"The Ten Commandments

I AM the LORD thy God.

Thou shalt have no other gods before me.

Thou shalt not make to thyself any graven images.

Thou shalt not take the Name of the Lord thy God in vain.

Remember the Sabbath day, to keep it holy.

Honor thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee.

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbor.

Thou shalt not covet thy neighbor's house.

Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor his cattle, nor anything that is thy neighbor's."

(2)(A) The Secretary of State shall arrange for the monument to

be designed, constructed, and placed on the State Capitol grounds by private entities at no expense to the State of Arkansas.

(B) The monument shall be placed on the State Capitol grounds where there are other monuments.

(3) The Secretary of State shall:

(A) Approve the design and site selection for the monument under this subsection; and

(B) Arrange a suitable time for its placement.

(4)(A) Before approving the design and site selection for the monument under this subsection, the Secretary of State shall consult the Capitol Arts and Grounds Commission and obtain the commission's views on design and site selection.

(B) The monument under this subsection shall be exempt from §§ 22-3-301 et seq. and 22-3-501 et seq.

(c) In the event that the legality or constitutionality of the monument under subsection (b) of this section is challenged in a court of law, the Attorney General may:

(1) Prepare and present a legal defense of the monument; or

(2)(A) Request that Liberty Legal Institute prepare and present a legal defense of the monument.

(B) A request that Liberty Legal Institute prepare and present a legal defense of the monument shall not be subject to § 25-16-702.

(d) The placement of the monument under this section shall not be construed to mean that the State of Arkansas favors any particular religion or denomination over others.

/s/Rapert